



FEDERAL BUREAU OF INVESTIGATION

OSAGE INDIAN MURDERS

PART 7 OF 19

BUFILE NUMBER: 62-5033

FILE DESCRIPTION

BUREAU FILE

SUBJECT Craig Indian Murders

FILE NO. 42-5033

SECTION NO. 7

SERIALS 185-245

pages 1661 - 1263

1 cover page

total pages 213+

1 cover page
(214)

cover page

Department of Justice

TELEGRAM RECEIVED

GOVERNMENT PRINTING OFFICE

7-1068

OKLAHOMA CITY, OKLA.

JULY 23, 1925

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DIRECTOR

62-5033

SPECIAL ASSISTANT TO ATTORNEY GENERAL BROWN ADVISED HE HAD INFORMATION OBTAINED THRU CIVIL SUIT OF BILL HAYES TO RECOVER INSURANCE IN BROAN CASE OF MONEY TRANSACTION THRU BOTH NATIONAL BANKS AT PAWHUSKA, THAT MAY BE OF SOME BENEFIT IN OSAGE MURDER CASE AND REQUESTED THAT I COMMUNICATE WITH YOU TO TAKE UP WITH OFFICIALS THERE AND HAVE NATIONAL BANK EXAMINER DENTON WHO IS NOW LOCATED AT PAWHUSKA; CHECK THESE BANKS TO OBTAIN ALL INFORMATION POSSIBLE.

TWO WHITE

RECD: 9:40
Decoded: MN
To Mr: 10:00

JUL 27 1925
RECORDED & INDEXED

62-5033-185	
BUREAU OF INVESTIGATION	
DIVISION	
JUL 24 1925	
DEPARTMENT OF JUSTICE	
Dis. Thru	<i>Handwritten initials</i>

1061

BUREAU OF INVESTIGATION

7/24/25

MR. GRIMES to

The Director

The Assistant Director

Division Three 210

Division Four 316

Division Five 307

Division Six
Hurley-Wright Bldg.....

Mr. Baughman 418

Miss Gandy 324

Miss Johnston 318

Bureau File Room 326

Personnel File Room 329

Washington Field Office
Hurley-Wright Bldg.....

Special

Please make this as it checks
into our biggest murder
cases.

J.M. P.
Attended by
J.M. P.

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URGENT:

Mr. T. B. White,
Federal Building,
Oklahoma City, Okla.

Replying your wire Examiner Denton will be authorized by teletype
to render every possible assistance you get in touch with him

Three Hoover

62-5033

62-5033-166

1064

July 24, 1925.

RECORDED & INDEXED
62-5033-5
JUL 25 1925 P.M.

Mr. T. B. White,
P. O. Box 125,
Oklahoma City, Okla.

Dear Sir:-

I am forwarding herewith transcript of a statement made by Mrs. John Kenny on June 17, 1925 further with regard to the DSAGE case. X A copy of this already has been given to Mr. Brown, and this is for your information.

I have read with a great deal of interest both of your letter of the 20th with regard to this case and am looking forward to the report of Agents Smith, Burger and Street. You will notice from the papers which I am sending you that there is a statement that Agent Burger during his previous investigation was on intimate relations with Comstock. From independent sources I have verified this and I want you to be particularly careful about Comstock as I am satisfied thoroughly that he has endeavored to play a double game. I want you to caution Agent Burger that he is to refrain from having any dealings or connections with Comstock other than those absolutely necessary.

Merely as a suggestion, it might be of interest and assistance for you to procure and examine the income tax returns filed by all of the principals, which returns at the present, of course, are open to you.

The Kennys are expected to leave here within the next few days, certainly by the first of the month, on their return to Oklahoma and my present plan is to have they accompanied by Agent Cleary who is to return to the Oklahoma City office. The Indian Office here is satisfied that an attempt will be made to do away with John Kenny, and that once he is back in the State he will return to the old conditions from which I, personally, can see a marked improvement since he has been here.

7/24/35

I want you to keep also in mind the statutes with regard to furnishing liquor to the Indians in connection with John Kenny, as well as Section 19 U.S.C., because Kenny as an Indian clearly has under the Federal Law a right to have guardianship over him and his estate as an Indian administered by the State Court or a guardian appointed under the laws of a state, free from fraud; in other words, in order for Section 19 to apply it must be shown that the victim has been deprived of a right guaranteed by the Federal Law, and if he is intimidated, threatened, assaulted, or otherwise mistreated, either in or because of the free exercise of that right, and it must be shown that two or more individuals are responsible for the acts, Section 19 would apply immediately, and it is this that I want you to look out for.

In addition to this theory there is another, that is, that [REDACTED]

B7D

This intimidation or oppression may take very effective but covered form in connection with the re-trial of Mrs. Kenny in September, at which time it is understood Fred Tillman will be the principal prosecuting witness. I will advise you when the Kennys leave here and Agent Cleary will communicate with you on his arrival. It is my intention that he remain with the Kennys for purposes of protection, and especially information, until the proceedings in court have advanced to the stage where such an arrangement will not longer be necessary.

Very truly yours,

Director.

Encl. 14154.

10-1-35

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. McDermott

DATE: 6-12-75

FROM : H. R. Hauer

SUBJECT: OSAGE INDIAN MURDER CASE
(BUFILE 62-5033)

During a survey conducted of all file material in the Filing Unit to establish a data base for the proposed File Automated Control System (FACS), an extensive number of enclosures behind file which bore no serial number were detected. Most of this material is very old and some may possibly be destroyed when time permits a review of these enclosures by the appropriate substantive desk supervisors. However, the immediate objective is to record this material in the data base now being prepared. A serial number is necessary to provide a means of entry and recall of such enclosures in the proposed automated file request system. Attached is one of these enclosure behind file envelopes which should be assigned the same serial number that is given to this cover memorandum to be placed on record in above-captioned case. It is to be noted this form is for internal use only within the Records Section and is to be filed without further routing after being placed on record and the enclosure detached. When the enclosure is detached for appropriate filing, this action should be clearly noted under the word "Enclosure."

RECOMMENDATION:

That this cover memorandum be placed on record as a not recorded "green" serial in above-captioned case in order to assign a serial number to the attached enclosure as indicated above.

Enclosure
WAA

NOT RECORDED

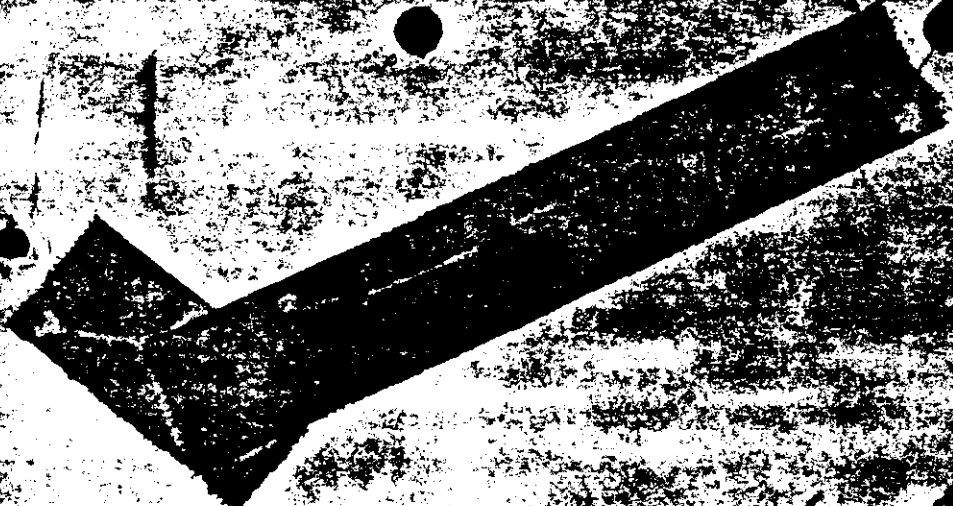
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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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Craig

STATEMENT OF MRS. JOHN KENNY.

TAKEN JUNE 17, 1925 IN THE OFFICE OF MR. W. W. GRIMES, DEPARTMENT OF JUSTICE, WASHINGTON, D.C.

Copy to Dept. of Justice

[Handwritten signature]

CH-20

Washington, D. C.

June 17, 1926

STATEMENT OF MRS. JOHN KENNY, WIFE OF
JOHN KENNY, OSAGE INDIAN, WHO HAS BEEN
PREVIOUSLY INTERVIEWED IN THE DEPARTMENT.

MRS. JOHN KENNY: Then, you know I was real sick about - it was in February of 1924 - I was awfully sick then; very sick in that summer. I went to Pawhuska to see this Fred Tillman. When I got in there I saw the door to his office was partly open just a few inches so that I could hear what was going on in the office, but I was in that little hall.

MR. EDWIN BROWN: Whose office?

MRS. KENNY: Fred Tillman's office. I heard. One was John Tillman and the other was A. W. Constock, and they were talking about me and naturally the condition I was in and the awful things that were going on that they had had me mixed up in I listened. Then Constock said, "I don't like to deal with her. I had a pass with her about sixteen years ago and she about got me that time; I don't like to deal with her," and John said, "I don't know. Fred has got her, and her condition is such now you can do anything at all with her." Fred - Fred Tillman; John is a brother of this Fred Tillman. Well that

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Constock said, "if you say so I will go ahead; I will find somebody to send to her." In the talk anyway, John said, "be careful of who you pick out; it may be somebody she knows." Constock said, "I have got a man in mind," and he leaned over and whispered to John. I couldn't catch what he said to him. John sort of laughed and said, "that will be all right. There are two on her trail and they are going to lay all these murders to her, make her come across." I thought they have got something else they are going to try to put over so I am going to get out of here. I was pretty sick anyway. I went on out and went back to Wichita.

It was about three or four days afterwards that - what is her name, this woman that runs that Gaffline Hotel? Her name is Vediger. She says, "a telephone call came in for you." I said, "where from." She said, "I think it is Padonka, Oklahoma," so I went on and called up Central and she said, "yes, there was a call," so she put me in touch with a Mrs. Simpson, J. S. Simpson's wife, a sissy little woman. I never dreamed of anything wrong. She had been sick for months and months and months. She said, "my husband is coming in there to see you and talk over some things with you, and I have sent a note for you. Do the best you can for me." I said, "if I can do anything for you, Mrs. Simpson, I will gladly do it." About seven o'clock Simpson showed up; that is, the husband. I will tell you about Simpson.

He used to be a Federal Enforcement Officer under Don Fuel in the
Ozage country. We thought he was a very nice man. I guess he was
entire. He could catch more bootleggers; it seems to me he could smell
them miles off. So finally I had helped them on, if he could catch a
good gang of bootleggers would give them ten or fifteen dollars or send
presents to his wife when she was sick, so that I treated him as an old
friend, and he said, "I would like to go to your room." I asked if it
was all right to come up then and she said it was all right, that he was
a responsible man and it was all right. He started to talk about this
message. I have still got the note. His wife told him how she had been
in some kind of business affair with some other woman there in town over
some machine. What is it they called it. It does this fancy work, you
know, and the woman was taking more than really was her share and his
wife was doing all the hard work and he wanted me to advance the money,
\$3.65 for the machine. I was kindly disposed to let the wife have it,
but he says, "there is another little matter I want to talk to you about."
I said, "all right." He came right up to the point and said, "that is
a pretty little love affair you are having with Fred Tillman." It sort
of staggered me; I wasn't looking for anything like that. I said, "how
did you get ahead of that." He said, "that is all right. Anything that
goes on in Paducah that I don't know you just tell me of it." I said,
"how am I going to get out of this; what is this anyway." He talked a
few minutes and said, "until you come to his first terms." I said, "he

will be a long time waiting before I come to his terms." He said, "I tell you what I will do; I will take you and John back to that ranch - he had a gun - and anybody that comes up there and fools with you I will give him this." He told me what troubles he had with certain factions there and what a job he had had with a sick wife and a whole house full of children. He said, "buy this machine for my wife and then I will take your husband and take you back to your ranch. I understand all about that business and I will soon have you and John, in a few months, free of that sort of business." He spelled the whole thing by what he said next. He said, "by the way you know you have always had a good reputation in this country; in fact, you are one of the best ones; you are wealthy and an intermarried citizen." He went into details about my husband's marriage, and then he said, "now, do you know what that bunch is going to do to you? They are going to lay all these murders on you. The Department of Justice has got two men down in this field working it. The bunch is going to swear it on you, say that you done all these murders, that you were at the back of all of it."

MR. W. W. CRINKS: When was that?

MRS. HENRY: That was in February, 1934. "You, if you will go to those men and give them money, say," he says, "it will all be dropped; it will all be quit." I got mad by this time. I said, "look here."

MR. BROWN: Were they Secret Service men?

MRS. KENNY: "These two men that were working out of the Department of Justice," that is the way he put it. He said, "I will go down and talk to these men and Comstock will fix it." My mind darted back to what I had heard in the office, and I said, "what had Comstock got to do with it? "Well," he said, "he will fix it so you can meet these two men and you can talk to them and then make your own agreement with them."

MR. BROWN: Go ahead.

MRS. KENNY: So I turned around on him then and I said, "I never done anything of the kind, and if they think I am guilty and that I have done anything, you tell them to come right down here and take me if they think I am guilty of anything, and as for giving any money for anything like that, I will not do it." I whirled on him and said, "you are the one that was going to come down here and Comstock and Fillman was going to send some one to get me. You go right back there and tell them that I won't give them a dollar. If they think I did that and they have evidence against me and I am guilty, I will go with them. You send them right down here and tell them I will be in Padruska in a few days." Sure enough in a couple of days I went up to Padruska and I went to Fillman's office. I didn't say a word but looked at them. I was waiting for them to say something and they didn't say a thing. I went to Comstock's office and said, "do you want me for anything?" He said, "why, no." "Well," I said, "I am

here and I am going to be right up and down this down, and if you want me come and take me." I didn't see a soul. He went down to the corner, turned and went off the other way. In a few minutes I got my driver and went to Wichita.

MR. GRIMES: Was there any indication as to which particular men those were; did they name them?

MRS. KENNY: No, he didn't say anything, just two men.

MR. BROWN: This was when?

MRS. KENNY: In the spring of 1934, about February.

MR. GRIMES: Did he or Comstock ever mention to you the name of a man by the name of Weiss or Findley?

MRS. KENNY: Simpson did.

MR. GRIMES: What did he say about it?

MRS. KENNY: He said that those were the men that were working for the government at that time.

MR. GRIMES: And said that Comstock could arrange---

MRS. KENNY: (Interrupting) For me to meet those men.

MR. GRIMES: So that you could pay them some money?

MRS. KENNY: Yes.

MR. GRIMES: Did you ever talk to Comstock about that?

MRS. KENNY: So.

MR. GRIMS: Did you ever hear about Agent Weiss taking any money from any one in Oklahoma?

MRS. KENNY: Not that I know of. This is the first time I have heard the name. It had slipped my mind, if you hadn't sprung it.

MR. BROWN: Did they mention any other agent's name?

MRS. KENNY: That is all.

MR. BROWN: Are you sure?

MRS. KENNY: That is all.

MR. BROWN: When did you first know Comstock?

MRS. KENNY: I met Comstock in 1909 when I was married.

MR. GRIMS: I wish you would tell Mr. Brown the little incident which occurred when you and Mr. Kenny appeared at Comstock's office and they dragged Anna Brown in; you remember the incident you told me before, just briefly about that?

MRS. KENNY: I would have to tell how long before I was married, is that part of it?

MR. BROWN: Just go ahead and tell it in your own way.

MRS. KENNY: I married the 29th day of September, 1908.

MR. GRIMS: That was at Winfield, Kansas.

MRS. KENNY: At Winfield, Kansas, yes. We came on back to the Deaga. About a week afterwards, just about a week or so, or about a week, John had some business to attend to at Halton and he was gone. Several days went by and he hadn't showed up and I got kind of worried.

I didn't know the country very much and didn't ride around. Early one morning an Indian rode up and he said, "that nice husband of yours, he is in trouble over there at Ralston; you had better go and see about him." I said, "what is the matter with him, can't he take care of himself." He had been opposed to my marriage.

MR. GRIMES: Do you remember the name of that Indian?

MRS. KENNY: Ed Cohn.

MR. BROWN: Is it the time you are going to tell about hunting John?

MRS. KENNY: Yes sir.

MR. BROWN: I know about that. What about Comstock?

MRS. KENNY: At Ralston?

MR. BROWN: Yes.

MRS. KENNY: I told him about that. (referring to Mr. Grimes)

MR. GRIMES: Yes, but there was some detail on Comstock.

MR. BROWN: Who is Hudson?

MRS. KENNY: A lawyer there.

MR. BROWN: In Pankruski?

MRS. KENNY: Yes sir. He was afterwards District Judge. I think he is in Tulsa now; I am not sure about that though. He told us to come on into Pankruski; he said, "there is a question about your marriage being legal." Naturally I didn't like that at all and I went on back into Pankruski as we were told to. I was very anxious to find out whether I was married or not married. I thought we would go to the

Court House and started and met Templeton; that is another lawyer. He said "Comstock is waiting for you." I said, "Comstock?" He said, "yes." I turned around to John and said, "who is Comstock." He said, "that is a partner of Templeton's, and this other man is Nelson." I thought it was all the same, so we went up to the old Cayosa, right across from the Deven Hotel - they have torn it down now I believe - at the Triangle Building.

MR. BROWN: That is torn down.

MRS. KERRY: I thought so. We went up there. That is where the office was. We got there about seven o'clock in the evening and didn't get out until two o'clock. They held him here - had John there and wanted him to sign some papers - a deed, one asking the government for removal of restrictions or for those lands in question.

MR. BROWN: Who was there?

MRS. KERRY: A. W. Comstock was there; Palmer was there.

MR. BROWN: Lawyers.

MRS. KERRY: Templeton was there.

MR. BROWN: Lawyer.

MRS. KERRY: All lawyers.

MR. BROWN: Were any of these lawyers representing the Indian Agency - working for the Indian Agency?

MRS. KERRY: No, not at that time that I know of.

MR. BROWN: Did they later, or Nelson or Templeton?

MRS. KENNY: No, I think not. Hudson afterwards became a county officer, and Templeton, both were county officers.

MR. BROWN: Go ahead.

MRS. KENNY: Those were the men that were there. I didn't understand them like I would now about those things. I knew they were trying to make John sign those papers and they made me sit away back and had him up at the table talking to him. One would talk and pound on the table and John would not ugly like, and then the other would talk and talk, and then the other would pick on him. I was trying to get John to go. We had no car; had all horse-back riding. About 1:30 I began to get emphatic that this was no Court House. I said, "Comstock, this is not a Court House; is this the way you dispense justice, and if it is I am going." He said, "are you accusing this man of bigamy? What are you trying to do? Will this straighten the matter out if he signs those lands over to you?" He said that was none of my business. I said, "we have been here since seven o'clock this evening and it is now next morning, and if you have got anything against Kenny or against me take us to the courts and thrash it out there." I suspected him, that there was something not right. I couldn't understand how signing over those lands would better conditions or make my marriage any more legal at the time. About eleven o'clock, somewhere in that neighborhood, between eleven and twelve, I heard a commotion out in the hall, and after awhile two of those men had stepped out - I didn't see them go out - and they

dragged in this woman. I couldn't see her face at all; her hair was
over her face and she had this heavy blanket on. Constock said, "we
will fix it; you have to be shown, and with that he went out and
dragged this woman in said it was Anna Brown. He said, "Anna, is
that man your husband?" She said "he used to be but not now."
Apparently that was not the answer they both wanted. He never told
me before he was married and I thought I would see the woman again and
find out for myself. He said he would be placed under arrest and would
have me in jail. He brought the Oklahoma Statute in, the Territorial
Statute and read, "anybody who willingly marries one known to be
married, five years in the penitentiary," and said, "that is what you
are going to get." I said, "if you doubt this marriage was legalized,
you just put us to the law; we will be here at nine o'clock in the
morning." Early the next morning - I didn't get my sleep because
naturally I was worried - I asked John, "were you ever married before?"
He looked down kind of funny and said "I don't want to talk about it."
I said, "were you married before?" He said, "I don't want to talk
about it." I said, "I want to talk to you; I want to know something
about it." He said, "I lived with the woman but we were not married."
He said, "we have to go through a custom of our own to make a marriage;
that is all we have to do; it is a custom of our own." I said, "I
am going to find out whether you are married to her or not; if you
don't want to talk she will." A few days later I saw an old woman and

and about three or four great big girls. They always used to be together, those five. John said, with a little devilish look in his eyes, "if you want to talk about that go right across the street there; there is the mother and all the girls; at one time they were all my wives." I was naturally worried and I wanted to find out for myself, so I went over. This old woman talked - Lissie Oue, or whatever it is. She was a fine old woman, talked fine English, and I asked her and she said, "no, I hate him. My son-in-law, huh!" She just grunted around a little, cussed him; so pretty soon she said, "I fought him; I whipped him. Do you see that scar on his face? We put it there for him." She looked around to all these other women and she said something in Indian and one of them stepped out. I wouldn't have recognized her as the woman that had been up there before. She said, "I am Anna." I said, "Are you John Kenny's wife," and pointed across the road where the Triangle Building is now; it wasn't there then. "Well," she said, "I will tell you. At school we run away together at one time and my mother sent all these others with us and he sent them all back but me and I stayed with him. I met another man by the name of Brown at Ponca City and I don't want him and I don't like him and I will thank you if you will keep him away so I won't see him again." I said, "were you married to him?" She said, "no, and I don't want to be." I said, "didn't you say that he had been your husband at one time." She said, "that makes no difference, I was never married to him." So that settled that. I

said, "John, what kind of treatment did you give that woman anyway?" She is most emphatic that that she does not want to see you again." He said, "did she say anything about Brown? When Brown got a divorce from his wife she was going to marry this white man Brown." I questioned Kenny on this man Brown, and I said, "did he take your wife away from you?" He wouldn't say a word, shut right up and began getting ugly. A year after - the morning after the murders he said, "Brown done that." He was sick. I didn't mention that here the other day. That night when this man and this officer told him - John - I think this young Indian told him - Kenny was sick and he got as white as a sheet and a few minutes later said, "Brown done that." I said, "what makes you say that Brown did it," and he said, "he was always abusing her." I didn't believe it and don't believe it to this day.

MR. BROWN: Did you ever have any more business or dealings with either of these men, or Comstock, after that?

MRS. KENNY: After that, once. No, first of all-- Well, let's see how it came about. John's mother was real sick. I think I was telling you how this man Stewart was tearing her clothes off one day. The next day after that, I was up street and I came on back--

MR. GRIMS: About when was that, the incident you were telling me about?

MRS. KENNY: Sometime in the spring of 1920. It must have been in March. That is the time they make the payments. He go there four times a year. That was in the spring; it must have been in March. When I

came back there was a woman in the house. Well, she was talking in a way that was not nice. Of course the cottage is just a little bit east, not far from the creek, back of the town and back of where the old agency building used to be. The Indians used to camp there. Mother was very ill at that time. They will go up the street when they are so sick some of them don't know where they are going. John had tried to hold her in the house but couldn't do anything with her. She was a mixed blood Indian but not so you could hardly tell she was. I heard the conversation between her and my husband and I was kind of worried. I thought I had gotten into a pretty bad kettle of fish and I wanted to see what he was going to answer this woman. He gave her the right kind of an answer as I thought. She was a fine looking woman. I said, "It seems to me that such a good looking woman as you are ought to be engaged in some other kind of business." I said, "who are you working for?" She said, "Constock." I said, "did he send you down here?" I said, "you go back and tell Constock that you failed this time and you are always going to fail, and if I catch you around here again you won't find a hair on your head." She turned around and went to Constock's office. I thought I would go up there and have a talk with him. I took John and went up to the office. I told Constock--

MR. KNOWE: (Interrupting) Tell me what he said; did you start the conversation first?

MRS. KENNY: I started it. I don't think he expected me up there.

I said, "how come you to choose McGuire for the guardian; how come you to choose him anyhow, that old thief?" He said, "the court allowed me only two men to pick from. One was Dr. Prentice of Fairfax and McGuire. I had two devils to choose from and I chose the lesser; something had to be done and done quick and I picked on him." I said, "what are you going to do next? He is a terror, fighting me like sixty." He come down to the Hotel Bristol and he wouldn't allow John to talk to me at all.

MR. BROWN: I know how those guardians are; you needn't tell me about that. What about that money?

MRS. KENNY: We said we would start suit against Oyster and they said we couldn't do it. We had to go to that Osage Country to do our fighting. Do you know John William Bailey, an attorney? He is a criminal attorney in Oklahoma. He shows them things. He went over there. He was having some little hearing. We wouldn't dare to go there. There was shooting going on and they might throw us in jail and probably kill both of us. He said, "I am not going to do a darn thing. I will not allow a cent for the care of that woman or the child." He wouldn't hear the argument. He said, "I don't want to hear a thing. I have told you what I want to do. You can go ahead and talk if you want to." That thing went off. I took the matter up with the agency. I wanted them to pay no more money to the guardian. The guardian said in the hotel, "before you get rid of me it is going to cost you something." That had only

one meaning to me. A couple of weeks ago I had a proposition made to me that if I would give the Fillman gang \$5000 and a deed covering all the property I owned they would not prosecute it and that the case in Logan County would be dismissed. I said, "If Logan County wants its pound of flesh let it take it. They tried me once and give me five years and then give me a new trial and now if they want to try me again let them try. I will keep on fighting until they put me in the pen."

MR. BROWN: Who approached you?

MRS. KENNY: This man's name was Hidriaga.

MR. BROWN: What does he do?

MRS. KENNY: I don't know at this time. He was an old-time cowman and was around Guthrie a whole lot. I just came up there. I wouldn't give him nothing. Here is the idea; here is what they are trying to work out. They thought if they wouldn't give me any money, the condition I was in I would soon play out, and the condition John was in it was double the fight. He does not know half what he is doing or where he is going to, fighting and scrapping all the time. They thought I would probably quit. They have been trying hard to get him back to Pawnee. The guardian insists that he live in Pawnee. He has never lived there. They want fifty or sixty thousand dollars in the hands of the guardian and then get Kenny back down there and get him into the right condition and he will sign over the fifty or sixty thousand dollars to

This gang to keep me out of prison. I won't give them anything. They are not going to get it out of him. We have asked that that money not be paid. There is nine thousand - close to \$10,000. We asked that it not be paid. They have given us no assurance that it will not be paid. The courts won't help us, not a thing in the world. We have asked the court for an injunction and he wouldn't give it to us.

MR. GRIMES: Have you made any move to bring an action here in the Federal Court?

MRS. KENNY: We were warned not to do that, that they were going to fight us.

MR. GRIMES: They would have to fight you here?

MRS. KENNY: Kenny has a guardian, and he may establish his residence anywhere he pleases. I haven't anything to say. Everything I do to help him they turn around and change him. You see the way his guardianship is fixed--

MR. HALL: You spoke of the way this bunch influenced the Indians. How did they do that?

MR. KENNY: (referring to Mr. Brown) You asked me about that agency too. Say, for instance, now that an Indian is perfectly willing to stay under the government supervision. There are several men in there that every time that Indian woman or man comes in there they will act just awfully hateful to them. Instead of giving them the money that the government says they should have, they hold it back and the

would-be guardian would say, "look what the government does to you." They are working hand in hand.

MR. KNOWN: Don't you think that is better? If the Indian has it he will spend it the next day.

MRS. KENNY: I am in accord with the government on that. There are certain men in there though that instead of giving this money which is allowed to them and that the Indian is satisfied with, they will hold that back and raise sand with them.

MR. GRIMES: You said back there a little ways that you had even paid some men to go around with Mr. Kenny to keep him straight, etc. Did you ever have any dealings with the Jack Hade Detective Agency in Wichita?

MRS. KENNY: No.

MR. GRIMES: Did you know a man that they call Dopey Slim?

MRS. KENNY: No.

MR. GRIMES: Did you ever know a man by the name of Leadman?

MRS. KENNY: No sir.

MR. GRIMES: Was one of these men that you have paid a wrestler or a former wrestler, a big heavy-set man?

MRS. KENNY: I got the G. V. Williams firm. Wait a minute. That is not the proper name. Central States Detective Agency. I didn't know Kansas City, Missouri. I didn't know anything about these cities. I was advised by Mr. Ercisman that the man who was at the head of this agency was honest and he would get some one to go and locate John G.

Kansas City. That is how I come to go there. I have got the papers and the checks to show where I paid them for going up there and finding John and locating him.

MR. GRIMES: Did you find anything about a suit for \$10,000 filed against Keany by some of your relatives?

MRS. KENNY: No sir.

MR. GRIMES: You didn't find any such a suit?

MRS. KENNY: No sir.

MR. GRIMES: Did you ever know a man by the name of Ray Fender?

MRS. KENNY: No. The only suit ever filed against Keany was that Shepard suit I was telling you about, where Shepard had annoyed John's sister and he got a licking there at Fairfax and he sued Keany for \$11,100.

MR. GRIMES: How did that come out?

MRS. KENNY: That is where we hired Tillman; that is where Tillman came into it. The one in Kansas City is John A. Gustavson.

MR. BROWN: There is still another detective?

MR. GRIMES: Leachman?

MR. BROWN: It is not very material.

MR. GRIMES: What were the names of those two men who came up there to see you? You gave them over the telephone?

MRS. KENNY: Those two that were at home the other day?

MR. GRIMES: Yes.

MRS. KENNY: Well, one said, "I am Lieutenant Brady of the

Aviation." I don't know what he said about the other one.

MR. GRIMES: Was he in uniform?

MRS. KERRY: No, dressed as a civilian.

MR. GRIMES: You don't know the other one's name?

MRS. KERRY: No; I didn't catch it.

MR. GRIMES: They were trying to get you to invest some money?

MRS. KERRY: Yes sir.

MR. GRIMES: He principally wanted to know about Comstock. He is particularly interested in seeing where Comstock stays, knowing exactly where Comstock is.

MRS. KERRY: I will tell you I didn't tell him nothing. I am going to tell you frankly. There is nobody that I can trust of the whole bunch at all, because they are all pulling together. They are all there with the same object in view and they don't like an outsider to come in there and inquire into their business. That is where I got in bad. I fought them for 15 years.

MR. BROWN: What is the status of your case down there now?

MRS. KERRY: I am to be tried in the fall sometime. I don't know just when.

MR. BROWN: In Logan County?

MRS. KERRY: In Logan County.

MR. BROWN: Who represents you?

MRS. KERRY: The first trial John Ebery of Oklahoma City and

Smith & Green of Guthrie. Smith & Green are not criminal lawyers.

MR. BROWN: Who represents you now?

MRS. KENNY: Judge Ben Williams of Norman. I think if I had had him in the first place I probably would have been cleared. I tell you there is two strong a crowd down there to whip them. If you tell about them it is not enough to support the evidence. They told me if I went on the stand and told the real facts about what Fillman had done to me I would get five years, maybe ten. I was warned several times, maybe a half a dozen times, not to tell that. Of course all that worries me is Kenny's condition. He is so easily influenced. Now, what was your question about that? (referring to Mr. Hall)

MR. HALL: You were describing the way this gang worked on the Indians, that is, in controlling their behavior and making them turn against their family. How do they go about doing that; have you any idea about that?

MRS. KENNY: Yes, I think I know enough about that now. Yes, I know how it is done. Yes, that is a little bit vacancy. They can even handle your jurors and everything. I saw it right there in that court. I know how they do it.

MR. HALL: How do they do it?

MRS. KENNY: Why do you question me about that? You two men know that.

MR. GRIGGS: There are so many of these murder cases; there are

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hundreds and hundreds. One murder case is quite a big thing to handle ordinarily, but where you have scores of murders, bringing in scores of people and scores of facts like these influences you have today testified about it is hard to remember all these things. I have saved my little stenographic notes here because there is a little in there that I have missed. These influences - you have brought an entirely new element into the case so far as we look at it since you came here. That is why we are particularly interested in what you know. Your explanation of this thing is an entirely new explanation of it. We are particularly interested in the interest of the other names you gave, like the Abbott girl you know, but it is too big a thing. I have all of those papers. It is too big a thing for me to get all of it, not being down there or never having been down there?

MRS. KERRY: Your disposition has a lot to do with it, from the study I have put in it the last few months, say a year. I wasn't really very able of studying much of anything there for awhile you know. It all depends upon the disposition or the will of a person how hard that thing hits. Now, I have come in contact with it some, when I was really excited and when the thing was getting the best of me. I would talk real loud and noticed that I was doing that, but it was hard to bring myself back to normal. Certain ones of them would sit next to me and I was calm. The opposing force would get to work and I would want to fight. A person who has been under that is very easily influenced. It acts differently on an Indian than on a white person. When that is on an Indian

he is gone like a ton of bricks. A white person will take a splash and get the jar. I was like I was pushing against a wall; I would fight it. That little sixteen-year old girl, little Hattie Abbott, it wrecked her completely. In the case of Henry, he was gone right now; he had to be followed. Kenny, it was put on him in a form that it ate his life out; some near killing him. A little bit more of it would. I have the feeling where that thing comes near me I know it. It is like electricity. It is pretty hard to describe. Your head feels funny and you feel funny all over; tremors in the limbs from the head right down to the ankles. Those who are too far gone and their mind not powerful enough will not notice that. Most people lay it to drink. I have seen my husband act the same way when he was not drunk. Alfred Mack had it two years and died. The last time I saw him - he used to call me Morcrook - he said, "Morcrook, I am pretty sick; can you help me some way?" Those people, when they were sick, would come to me a whole lot. Of course if I could help them I would do it. They wouldn't have a doctor in the town. They wanted to go outside, go to Wichita or somewhere else. They were scared of those doctors. I would advise them to go to this doctor or somebody else. "Alfred," I said, "have you been drinking?" He said, "I am too sick to drink. I don't want to drink. I have not drank for sometime." I said, "how are you feeling? Is it your stomach?" I noticed he had a peculiar complexion. They have a kind of a pale yellowish tinge to their skin and they are generally weak and look kind of listless in their limbs.

and complain about the backs of their necks and a pain across here (indicating thighs). Alfred complained that way. He died of cerebral hemorrhage. Then there was Billy Hale. These that complain about their chest it is the heart that plays out as a rule. They have a pain in the chest and there is an awful noise and in sitting close to them you could hear it. It is not heart disease. It is indescribable. It is not gas ruining the stomach; it is not that; it is something else. Several in my husband's business - There was Charlie West. This Charlie West was telling my husband about what happened to him in the car. My husband told me about it. He said, "I was riding along; I had just left and got to feeling fine."

MR. BROWN: This was John Kenny talking?

MRS. KENNY: John Kenny telling me what Charlie West said, just like he had Joe Bates and Henry Boone and then those that have been murdered. You will find that any one that man has fooled with they don't last very long. I fought him and it pretty nearly wrecked me. Hale and Fillman worked together. He told him, "all of a sudden, don't you know, I couldn't handle the wheel any more and the next thing that damned car whipped over and I was gone." That was where the influence was at work. He could feel it but didn't know what it was. I know what it was because my mind was powerful enough to know this influence. I was going over with my attorney to Perkins, Oklahoma, and he told me, "I wish you would hold the wheel." I said, "I find I cannot hold anything."

very steady but I think I can hold the wheel." Something seemed to take that wheel and wrench it out of my hand. It nearly broke his neck. I do not think it safe for me to drive a car, or attempt it, because if I did that same thing would happen. In every one of these cases you will find there is something peculiar about the gait especially. There is Alice Porter. The women, and some of the men, they practically lose all of their hair. There is a twitching of the scalp. I had a very, very heavy head of hair. I thank my stars that the darn thing quit before I lost all of it. There was a mad that big came out of my hair. (indicating with fist) A shivering all over the scalp and that peculiar pain back of the head; they are all alike. If they have got sense enough left they will tell. If they have, just examine them; that is what to do with them.

MR. BROOK: Do you feel that you have gotten away from this influence now?

MRS. KENNY: No, I am not entirely free of it. Sometimes it comes on pretty heavy. There is kind of a mist that accompanies it.

MR. BROOK: That is something that can affect you here in Washington as well as down there?

MRS. KENNY: It does not make a bit of difference. It can reach you anywhere. I think if I went to China it wouldn't make a lick of difference. When you stop to think that there are 100 men trying this business, if one doesn't get it the other one does. I think it is the most difficult position. I had heard of mesmerism. Persons would be

placed under it and in an hour or two if the person don't come out they bring them out. I thought they could court plaster you in it and you would die under it. Harry Benstin, a white man, they killed him with it. There is Ed Cox, an Indian. There is Tom Cox and Perry King, who died within a few days of each other, just a week or so. They were all under it. I saw Ed a few weeks before he died. They are slaughtering them right and left with it. I have talked with people who understand those things too. We can't go into court with it. We can't tell everybody about it. Very few understand really how deep that thing can be or how far-reaching in its effects.

MR. HALL: You think the people who have to do with this influence are concerned in the murders; that it is some gang?

MRS. KENNY: Yes sir. I believe it just the same as I am sitting on this chair. I believe that this fellow Fillman intended to kill my husband. I couldn't hardly stand it when I did it, but I believe he intended to kill my husband from what his brother said there. He lost his head and went a little too far.

MR. BROWN: What do you think his attitude is towards your husband?

MRS. KENNY: I think he will kill Kenny. He would tell what a bad friend he is to Kenny but eventually when I would go near him he'd be in a very bad state. Fingleton is just as bad. He is right there in the same hall and worked the same. They work together. There

is no hope for him. If one don't get him his partner right down there gets him anyway. A person might as well be dead and done with it whole darn thing. You can't fight that. I think I am very safe in saying that they have destroyed, either by killing, driven insane or wrecked more than ever two or three thousand Indians in that country and lots of it going on yet. It is not stopped. Tillman said, "How are you going to prove it?" He said that to me several times; said the Klan was back of it and we couldn't do anything. I didn't believe him at first. I am convinced that he is right now. I do not think there is any hope for us down there.

MR. CRIMES: Do any of the Indians belong to the Masonic Order; do you know?

MRS. KERRY: There might be a few.

MR. CRIMES: It is probable you would not know, but I was going to ask you if any of the Indians who belong to the Masonic lodge had been subjected to this influence?

MRS. KERRY: I think that there is Henry Tall Chief. I believe he is a Mason now. I noticed that right afterward he and his wife separated and she is not right any longer; her head is not right and usually she has gone clear to the dogs and he has married another woman. He seems to be apparently all right but his brother is not. He used to be at a fellow and he used to be one of our very best Indians.

MR. CRIMES: Did you meet a man by the name of John Williams or

John Walton, or a name something like that. He is working down there now?

MRS. KENNY: Well, if it hadn't been for help that others gave me I would be dead right now. I do not think I will ever be well. If Kenny - if I can keep him sober he will be in pretty fine shape but he will always have to be watched; have some one with him.

MR. GRIMES: John Watson?

MRS. KENNY: An Indian, is he?

MR. GRIMES: Let me see now. He is supposed to be connected with the Interior Department. His wife has a half sister named Nesses and the Watsons lived with Mrs. Nesses?

MRS. KENNY: No.

MR. GRIMES: John H. Watson. He is Deputy Special Indian Officer?

MRS. KENNY: He might be one of the recent ones.

MR. GRIMES: Do you know any of the members of the Ku Klux Klan around there or the officers or people who have been going around getting members?

MRS. KENNY: No sir.

MR. GRIMES: Did you ever hear of that man Watson?

MRS. KENNY: No sir. He is a recent man. Now the Klan is all set up in this.

MR. GRIMES: Your explanation is that they are going to help on this marriage question?

MRS. KERRY: Yes sir; they are very bitter against that. They said this marriage had to come to an end, to get that divorce and get out. Here is what I say about that. If they are against those marriages let them put a law against that. They haven't any ground to boss anybody in regard to marriage or things like that. It is up to an individual to do as he or she pleases about that. I don't think it is right. They would tell me to mind my own business if I would say anything and I would tell them to mind their business. I don't say that I would, but I could marry a negro if I wanted to. That is my own business. I don't say I want to, but if I want to I can.

MR. GRIMES: In the event, when this case comes up, we wanted you to go back there, both of you, and assured you of personal protection when you went there, if we sent two of our best men to live right with you all the time you were in the state - men whom we can rely upon, who have taken care of themselves and others, will you be willing to go back?

MRS. KERRY: We will go back. I am pretty good at taking care of myself, but Kenny is the one I want protected. I want him protected. I can keep these bootleggers away from him. I know about this power but I wouldn't know how to protect him from it and I don't know how much longer I can stand up against it. I feel some days that I will topple over. Kenny may topple over; I don't know.

MR. GRIMES: If we sent you down there under these conditions none of these people would dare approach you because they would be intimidating you and interfering with the operations of the government

which a civil offense, and even from now on any one who bothers you or causes you trouble we can slap right down on them. The minute you become an informant for the government; the minute you tell the government what the government wants told - and you have the right to do that as an American citizen - and anybody who bothers you on account of that can be slapped down on right away and every man we have in the service can be and would be dumped right there in the state to clean it up and protect you.

MRS. KENNY: There is no hope for any of those people, absolutely none, as I see it. Those who are under that influence will get up and swear they are not. A layman looking at them thinks that they are absolutely normal. That is all. I wouldn't have come up here in the first place; I wouldn't be talking to either one of you gentlemen, or this gentleman sitting here, or that man over in the corner, or no one-- He knows what I am talking about. You wouldn't believe it at all. You know--

MR. GRIMES: (Interrupting) We couldn't have all the men we have down there without having something.

MRS. KENNY: You men know about these influences. You know that you understand them.

MR. GRIMES: I don't understand the influence as you describe it. It is a sort of confirmation of an entirely different influence. Of course I have not told you what that is. You are talking about what

is a physis influence, a mental influence. We have been looking at the matter from a material sense, or a physical influence. Our big object is to try to identify and bring in those two and get the circumstances which form the basis, that is, our information and your idea on it, and see if it is the same thing?

MRS. KENNY: Money is the back of it.

MR. CRIMES: The details of operation though are the things we have to watch. The smallest thing in our case may be the making or breaking of the case, and an important thing is that you can't attach all faith upon the influence I have in mind. The influences I have in mind are the influences which we know are at work, but they are working them in a half a dozen different ways, but the influence you speak of is an entirely different influence.

MRS. KENNY: Those murders were committed under those same physis influences as you term it; that is my theory, I believe it pretty strongly. I was put under a counteracting influence. I was under Fillman's. I was under it and that is the only way I was able to shoot him. I couldn't have shot that man but for that. I know how I felt at the time. I know how it acts. The person who does that is a person when the gang had fired and placed them under that and caused them to commit those murders. I know there was no one interested in committing that murder for the money. They are too busy; like the farmers they are too busy at work, or like us, we have money; we have no

revenge on those men. I think Kenny would have killed Brown but I do not think he would have killed the Brown woman. As far as I am concerned I have nothing against that poor unfortunate, and as for Henry Roane, if you could have seen him, and seen him as I saw him there for several years - he was an object of pity and disgust because he had sunk so low. We understand what caused it. I understand. I have got it in for the ones who did it.

From
OFFICE OF THE DIRECTOR, BUREAU OF INVESTIGATION

To

GENERAL INDICATED BELOW BY CHECK MARK

- Attorney General
- General Holland
- General Willebrandt
- General Donovan
- Mr. Martin
- Mr. Strong
- Mr. Stewart
- Mrs. Rishel
- Assistant Director
- Mr. Baughman
- Mr. Boddis
- Bureau Filing Section
- Mr. Cunningham
- Miss Gandy
- Mr. Grimes
- Mr. Keep
- Mr. McKean
- Personnel Filing Section
-
-

Cleary can't
handle this as
I want him to
go to Portland
at once. I can't
see why an agent
from Okla City
can't meet Hendry
somewhere en
route & see that
no harm comes.
When they reach
Okla. our Okla
City office can
take care of
matters.

7/2/25
JES

1101

PLEASE REPLY TO
BUREAU OF INVESTIGATION
AND REFER TO
INITIALS AND NUMBER

WVG

Department of Justice

Bureau of Investigation

Washington, D. C.

July 28, 1925.

Mr. J. R. Cleary,
Room 307,
Department of Justice,
Washington, D.C.

Dear Sir:-

I have been advised by the Indian Office that their case involving Mr. and Mrs. John Kenny of Oklahoma probably will be settled tomorrow. As you already know from your general knowledge of the Indian matters, especially what is known as the Osage Indian Murder case, and your personal acquaintance with a number of the parties,

The Indian Office has advised Mrs. Kenny to be on her guard and has plainly stated that it is of the opinion that an effort will be made to do away with John Kenny, especially if they return to Oklahoma. It is necessary that they do return promptly in order for court appearance in August or September.

I already have instructed our Oklahoma City office that you have been assigned to accompany the Kennys back to Oklahoma and to remain with them until after the Federal criminal case is presented to the Grand Jury, which will be on September 7th. Mr. Edwin Brown, Special Assistant to the Attorney General, is specially assigned to prosecute these murder cases and the Oklahoma City office is working in close cooperation with him.

You, of course, will report regularly to the Oklahoma City office but remain with the Kennys and be particularly careful as to their safety.

Very truly yours,

J. Edgar Hoover
Director

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*BTD
Deletions*

Handwritten notes and scribbles in the lower left quadrant, including the number '102' and various illegible markings.

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July 30, 1925.

MEMORANDUM FOR MR. HIGGINS

62-5033

62-5033-188

BUREAU OF INVESTIGATION

JUL 30 1925 P.M.

DEPARTMENT OF JUSTICE

FILE

RECORDED & INDEXED

You will remember the **OSAGE INDIAN MURDERS** in Oklahoma, which were the subjects of conferences with Attorney General Sargent, Attorney General Short of Oklahoma, and certain other officers of the Department, and which it finally was decided to prosecute in the Federal Court and Mr. Edwin Brown was assigned and now is on the ground as Special Assistant.

The Bureau of Investigation has been engaged for something over two years on the investigation of these murders and by the time the Grand Jury convenes on September 7th at Guthrie the Bureau will have ready for presentation an abundance of evidence showing the parties responsible for at least four of the murders and that the murders were the result of a highly organized plot on the part of certain persons in and around Pawhuska, Oklahoma, who for years have stopped at nothing to acquire properties of the Indians. In this scheme the conspirators, who already have done away with a number of the Indians, also have worked upon a number of other Indians, who at the present time are alive although in serious physical and financial condition. Among the victims in the latter class are included the family known as the Kernys. John Kerny, an Osage, has an income from the Government of approximately \$40,000 per annum and attempts have been made by the same conspirators to dispose of him over a period of years. A very rigid control is exercised by the conspirators through the system of guardianships, in which numbers of friends of the group of conspirators acquire control of the assets of the Indian, as well as his person.

The methods used in laying the ground for demanding the appointment of a guardian are shocking in the extreme. However, this is a matter which involves directly the administration of the State Laws, even though the Government is a party in interest on account of being required to pay the allotments to the guardian appointed by the State.

The Kernys have been in Washington for some months past in connection with the cancellation of a certificate of

Mr. Ridgely 2

7/30/28

The competence issued by the Indian Office in John Kenny's case, and which certificate evidently forms the basis for his citizenship.

The Kennys not only have been threatened many times but have been subjected actually to hounding and the statement has been made openly that in the end Kenny will be killed. From information obtained by the Bureau the Indian Office, or at least some of the officials there, have expressed such an opinion also.

Mrs. Kenny, who is a white woman, has been the subject of very remarkable treatment by members of the group in Oklahoma, and especially the attorney used by the principal conspirator as a go-between, and on whom we have direct evidence already obtained in the murder cases. Mrs. Kenny will have to return to Oklahoma within the next few days in connection with the shooting of this attorney some time ago. She also should be there or at least available to the Bureau when the cases are presented to the Grand Jury on September 7th.

X Reverting back, I remind you of the fact that in 1922 one Barney McBride from Oklahoma was mysteriously murdered just outside of Washington, D. C., after he had left Oklahoma with the statement that he was coming to Washington to give the Government information which he had with regard to the situation in Oklahoma. The information which McBride was not permitted to give on account of his murder is understood to be the same information which the Kennys already have given and which has borne such splendid results in the development of the case to date. This fact, together with the other facts set forth above, being considered, the question has arisen as to whether the Bureau of Investigation should not extend to the Kennys personal protection during their trip to Oklahoma.

I would appreciate your letting me have your instructions in this matter at the earliest practicable moment as they probably will leave Washington within the next day or so.

Very truly yours,

Director.

Deletions

BTD

1104

WJ:GA

Department of Justice
Bureau of Investigation
Washington, D. C.

AUG 5 1925

62-5033-10	
-BUREAU OF INVESTIGATION-	
AUG 4 1925 A.M.	
DEPARTMENT OF JUSTICE	
Mr. Quinn	FILE

August 1, 1925.

MEMORANDUM FOR THE DIRECTOR

At midnight last night Mr. Brown telephoned me from Oklahoma, and from what I was able to gather over a very poor telephonic connection, he had tried to reach Mr. Midgely, found him to be away, and did not know who else to call who was acquainted with the details of this case. The call was made at his personal expense and the purpose, as I gathered it, is that he asks that the Department send him a telegram instructing him to take charge of the prosecution of the case of Edith Fox, or Edith Fox Parker, (automobile theft), and especially if it does not so instruct him for the Department to instruct the United States attorney at ~~Oklahoma City~~ Guthrie to hold the contempt proceedings against this defendant in accordance as she is a criminal and under the present arrangement, which I was unable to understand, the proceedings in the Federal Court have taken the form where the United States Attorney in effect is defending a criminal against whom the Government has instituted prosecution, in other words, that the government is placed on the side of the defendant. This case Mr. Brown claims has a direct bearing on his case and he made the flat statement that the United States Attorney at Oklahoma City is friendly to, and he is afraid will look out for the interests first of Mr. Brown's prospective defendants. The proceedings will come up at Guthrie and Mr. Brown says that it will do no good to wire the United States Attorney to confer with him because he (Brown) already has conferred with the United States Attorney.

Similar action should be taken with regard to the case involving Herbert Abraham.

I suggested to Mr. Brown that due to the absence of Mr. Midgely, he wire directly last night to Colonel Donovan. The sum and substance of the situation is evidently that the United States Attorney's office and he personally are not in line with the prosecution of the Osage Indian murder case.

I remind you of a letter received a few days ago from Special Agent in Charge White in which he suggested that certain cases pending in the United States Attorney's office

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you file 76-415
76-183

was 106 in
page number

76-80

1105

be turned over to Mr. Brown for presentation to the Grand Jury.

Mr. Brown stated that the United States Attorney has exhibited the case files to the defendants.

Mr. Brown asked me if I would not explain the situation to Colonel Donovan as he had given it to me over the telephone, however, I hesitate to do this, chiefly because every effort to obtain a clear statement of the facts over the telephone failed. It is probable that the telegram to Colonel Donovan this morning will explain the situation more clearly.

Respectfully,



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JER:MP

62-5033-189

AUG 5 - 1925

RECORDED & INDEXED

August 3, 1925.

MEMORANDUM FOR COLONEL DOROVAN

Mr. Grimes of the Bureau has informed me of a long distance telephone conversation which he had with Mr. Brown, Special Assistant to the Attorney General, who is now in Oklahoma, in connection with the Osage Indian murders. Mr. Grimes informed me that he had suggested to Mr. Brown that he, Mr. Brown, wire you relative to the situation in Oklahoma upon this matter.

I am attaching hereto, for your information, copy of a memorandum covering the conversations which Mr. Grimes had with Mr. Brown. There is no doubt but that the Osage Indian murder case is one of considerable importance. However, I feel that any recommendation relative to the handling of the legal phases of it should come from the Attorney handling the same, and not through the Bureau of Investigation. Mr. Grimes has told me that Mr. Brown will probably suggest in his telegram to you that he, Mr. Grimes, be directed to proceed to Oklahoma to assist in this matter. I do not believe that this suggestion should be favorably acted upon.

In the first place, we have an adequate force of Agents in Oklahoma, competent to handle any investigation that may be necessary incident to the prosecution of the case, and I see no reason for sending an Agent from the Bureau at Washington. In the second place, I have been endeavoring to adhere to the policy to refrain from authorizing Assistants of the Bureau, at the seat of Government, to proceed to various sections of the country and be absent for extended periods. It was more or less the practice a year or two ago to send the Assistants at the Seat of Government into the Field to direct investigations and to assist Special Assistants to the Attorney General. This practice, I believe, is bad for the efficiency of the Bureau. In the first place, we are considerably under-

John Donovan.
August 5, 1925.

manned at the seat of Government, and I cannot afford to permit the Assistants handling work at the seat of Government to be absent from their duties for extended periods of time. In the second place, I feel that any legal assistance needed in such cases should be rendered by the legal staff of the Department and not by the Bureau.

Respectfully,

Director.

Enc. 18161.

11-8

Department of Justice

TELEGRAM RECEIVED

7-1068

OKLAHOMA CITY OKLA.

AUGUST 4, 1925.

DIRECTOR

BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE WASHINGTON DC
REPLYING TO YOUR TELEGRAM MRS. KENNY CAN FIND NO EVIDENCE OF WARRANT
ISSUED THIS WOMAN STOP SHE WAS CONVICTED SEVERAL MONTHS AGO FOR
ASSAULT TO MURDER FRED TILLAM BUT VERDICT SET ASIDE AND NEW TRIAL
GIVEN WHICH HAS BEEN SET FOR SEPTEMBER TERM STATE COURT GUTHRIE AND
SHE IS UNDER BOND SET AT \$3000 SIGNED BY OFFICIALS FIRST NATIONAL
BANK THERE FOR APPEARANCE

TWO WHITE.

Recd. 9:00
Decoded EG
To Dir: 9:30

62-5033

190

RECORDED & INDEXED

AUG 5 - 1925

12

62-5033-190	
BUREAU OF INVESTIGATION	
AUG. 5 1925 A.M.	
DEPARTMENT OF JUSTICE	
Dist. Two	<i>[Signature]</i>

1109

Department of Justice

TELEGRAM RECEIVED

OKLAHOMA CITY OKLA.

AUGUST 5, 1925.

DIRECTOR

BUREAU OF INVESTIGATION DEPT OF JUSTICE WASHINGTON DC

FURNISH IF POSSIBLE FOUR ADDITIONAL AGENTS FOR MONTHS ASSIGNMENT

OSAGE INDIAN MURDER CASE TO REPORT UNDER COVER TO MR HESPE 512

NORTH BROADWAY STOP ACCOUNT THEIR PECULIAR FITNESS FOR ASSIGNMENT

WOULD SUGGEST YOU FURNISH AGENTS JOHN WREN, JEAN PATNER, C.E. DAVIS

AND C.M. HOLMGREN LETTER FOLLOWS.

TWO WHITE

RECORDED & INDEXED

AUG 7 -

Recd. 2:20
Decoded EC
To Dir: 2:45

62-5033-191

Dir. Two

ack 8/6/25

Handwritten checkmark and scribbles

783-11

6033

AUG 3 1955

White
Federal Bldg
Oklahoma City Okla

SECRETARY INTERIOR HAS CANCELLED PERMITS FOR JOHN KERRY

AND LATER NOW UNDER GOVERNMENT CONTROL. INTEREST AND VARIATION

ISSUED FOR MRS KERRY AT... TO BE SERVED HER ARRIVAL

ASCERTAIN FOR WHAT CLASH AND WHO COMPLAINED WITH ME

FED HOOPER

62-6033

RECORDED & INDEXED

62-6033-19
BUREAU OF INVESTIGATION
AUG 3 1955
DEPARTMENT OF JUSTICE

Department of Justice.

Bureau of Investigation.

P. O. Box 125,
Oklahoma City, Oklahoma,
August 5, 1925.

RECORDED & INDEXED
2 62-5
AUG
62-5035-115

Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION DIVISION #2.

Re: OSAGE INDIAN MURDER CASES.

Dear Sir:

Confirming my telegram on this date requesting that this office be furnished with four additional agents for a months assignment in the above case, in which I made suggestions as to the agents that be furnished, etc., would like to say that yesterday afternoon I had a long conversation with Special Assistant to the Attorney General, Edwin Brown, and Agent Smith, who are now working on this case, and they requested that there should be three additional agents assigned at once to do, under cover, work among the natives in Osage County.

*Anthony
8/10/25*

Due to the peculiar fitness of Agents John Wren, Jean Parker and C. R. Davis for this assignment, in this particular part of the country, I made a suggestion that these men be furnished to assist in this case, and I trust that you can be able to arrange to furnish them. The assignment I had for Agent Holmgren is to assist in preparing the information already obtained so that it can be intelligently and expeditiously presented to the Federal Grand Jury, which convenes at Guthrie, Oklahoma, on September 7th. I have Agent Murphy already assigned to work on this particular line in this case, and it is believed he will have to have some assistance, and I could think of no one better fitted for it than Agent Holmgren.

We have already figured out where it will be necessary to have over fifty witnesses before the Grand Jury, and I anticipate this number to increase and may be compelled to call on you for additional agents in order to handle this case properly.

From the conversation that I had with Mr. Brown

1113

CLASS OF SERVICE	SYMBOL
TELEGRAM	
DAY LETTER	BLUE
NIGHT MESSAGE	NITE
NIGHT LETTER	N.L.

If none of the three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

WESTERN UNION TELEGRAM



NEWCOMB CARLTON, PRESIDENT GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE
TELEGRAM
DAY LETTER
NIGHT MESSAGE
NIGHT LETTER

If none of the three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

Received at Commercial Nat'l Bank Bldg., 14th & G Sts., N. W. Washington, D. C. ALWAYS OPEN

AE314 18 GOVT COLLECT 1 EXTRA

1925 AUG 13 7:40

BR OKLAHOMACITY OKLA 10 350P

DIRECTOR 1369

BUREAU OF INVESTIGATION DEPT OF JUSTICE WASHINGTON DC
 SUGGEST SUBSTITUTE PAUL G BAXTER IN PLACE OF HOJMGREN FOR
 ASSIGNMENT HERE MENTIONED IN OUR TELEGRAMS

TWO WHITE..

AUG 13 1925

RECORDED & INDEXED

62-5033-194
 BUREAU OF INVESTIGATION
 AUG 11 1925 A.M.
 DEPARTMENT OF JUSTICE
 Div. Two FILE

*Rec' 5:55 PM
 ocd*

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62-5033-194

AUG 13 1925

August 11, 1925

Mr. C. B. White,
Federal Building,
Oklahoma City, Okla.

Boxer not available can you use Agent Edwards.

Nathan Leting

RECORDED & INDEXED

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.

August 11, 1925.

Director,
Dept. of Justice,
Washington, D. C.

Cannot use Agent Noonan. Would like to have Agent to assist
Agent Murphy in work as described second paragraph my letter
to you August sixth, Osage Case.

White

Rec'd & decoded

5:45 PM

OCD

*Wms
at
okla city
8/11/25*

62-5033
AUG 14 1925
RECORDED & INDEXED

62-5033-196

AUG 12 1925

Div. Two

114

I said, "you claim that Kenny has a legal wife in this Anna Coo or Kyle, or whatever you call it. Now, I told you before when you had John up there in the office that if you had anything against Kenny take it to the courts." I had locked up all the evidence.

MR. GRIMES: Aren't you mixed on dates. You said this was in 1920 and this other--

MRS. KENNY: (Interrupting) No. We were married in 1909 and a few weeks after I got acquainted with Comstock and this deed business was thrashed out in his office. It was in the forepart of October - the middle of October, 1919 that this first set-tee took place up there in his office.

MR. BROWN: You had no business with him until this, and this was in the spring of 1910?

MRS. KENNY: No. I think it was in March, the latter part of March sometime. We always go up there then for the payments. I know it was about that time. I can't say whether it was Wednesday, Thursday or what.

MR. BROWN: I understand. Go ahead.

MRS. KENNY: He opened a drawer and he brought out an automatic and he kept patting that and he would look at Kenny and then look at me. He said, "I don't intend to have any talk from anybody." I said, "That don't scare me after the kind of talk you had with me last fall. If you have got anything against Kenny take it to the courts. I have

looked the records high and low to find something showing this man's marriage and I don't find anything and if you think you can prove something go ahead. I have talked with the woman and she said there was no marriage. So far as I am concerned this incident is closed."

MR. BROWN: Did you ever have any more business with him?

MRS. KENNY: No sir.

MR. BROWN: Do you know where he came from when he came to Pawnee?

MRS. KENNY: Only what my husband said; that is hearsay. He came from Nebraska. He worked there among the Omaha Indians, and was known there as a very bad man. That is all that I can tell you about that part of it.

MR. BROWN: Has Constock ever interviewed you in connection with these murder cases?

MRS. KENNY: No.

MR. BROWN: What interest do you--

MRS. KENNY: (Interrupting) Oh, wait a minute. One time at the Island Hotel, right after I had put out that reward.

MR. BROWN: Where?

MRS. KENNY: In Guthrie. He called me up on the telephone and he asked me this, "I understand that you have put out a reward on these murder cases." I said, "yes." He said, "\$10,000?" I said, "yes." He said, "does that cover one or all of these crimes?" I said, "every thing

either one or all." He said, "Anna Brown's case too?" I said, "yes, everything." That was all the conversation that took place.

MR. BROWN: You have never seen him since?

MRS. KENNY: No sir.

MR. BROWN: Do you know, or have you any reason to know what interest he might have in these cases?

MRS. KENNY: In this way, my suspicions. I have been watching him and knowing the style of man he was and all. I have had different ones tell me, asked what I thought of Comstock and I said, "a creek." They said, I thought you were working hand in hand with him to solve all these crimes." I said, "I can put out a little money but I couldn't even tell who killed those people." Comstock, he is going straight now, is trying to. But in a concrete form, from the conversation I heard with Tillman in that hall, that gang works this way: eight or ten of them are supposed to be enemies or pretend that they are enemies of the other eight or ten, so when an Indian thinks he is escaping from the other one, this one he is not friendly with they will kick on that one. Just like Comstock pretends to work in the government to find out what you are trying to do and then will go and put the other bunch wise, the Tillman gang. He proved it that day in that office.

MR. BROWN: Who do you think killed Anna Brown?

MRS. KENNY: I think that whenever you find who killed Anna Brown you will find who killed Henry Hoane and all these Indians in there. I think when you find that you will find all.

MR. BROWN: You think it was all done by one man?

MRS. KENNY: I think the one that killed Anna Brown killed Henry Reams and killed Sandy Whitehope. I may be wrong. What makes me think so is this: Anna Brown was shot in the back of the head. I didn't see the body, but lots of them did. I would have liked to have gone. They said she was shot in the back of the head and it came out either through the nose or eyes. Henry Reams was shot through the back of the head and--

MR. BROWN: (Interrupting) Anna Brown was shot through the back of the head but the bullet stayed in the head.

MRS. KENNY: Sheen told me that it had come out.

MR. BROWN: I may be wrong.

MRS. KENNY: One body was found three miles east of Fairfax in a ravine. North of the ravine was found the body of Henry Reams. Don't you see there is a similarity between the crimes. Both were shot in through the head and both were dead a week when found.

MR. BROWN: Whitehope was not!

MRS. KENNY: He was 10 miles beyond Padonkoo and the body was under a culvert.

MR. BROWN: That is not exactly right; it was not near that far.

MRS. KENNY: Well, anyhow--

MR. BROWN: (Interrupting) Along that hillside there.

MRS. KENNY: Well, that is so big, some of it prairie.

MR. BROWN: Where you follow Grand View Avenue, you follow that road away around there.

MRS. KENNY: The other side of the Indian encampment?

MR. BROWN: Yes.

MRS. KENNY: Well, I am not familiar with that country up there. I rode through there once on horse-back and once in a car.

MR. BROWN: Your husband is one that is under a guardianship?

MRS. KENNY: Yes.

MR. BROWN: They are holding up some money and before they remove the guardianship they want you to pay some \$12,000, or something; what about that?

MRS. KENNY: How is that?

MR. SKINNS: Didn't I understand from you that there are certain of the officials who appeared to be agreeable to the cancelling of the guardianship but they didn't want it until the next quarterly payment had been made?

MRS. KENNY: I will try to explain that too. There are two kinds of Indians that are under guardians. There is the unrestricted Indian; that means one who has no certification, and he is placed under the guardian.

MR. BROWN: By the state?

MRS. KENNY: No. I had better explain how it is. Well, it is

this way: Supposing an Indian will say he has got a lot of money. He has accumulated the money. It is Liberty Bonds and the Government has \$50,000, say \$75,000; maybe less, somewhere in there. There is one of those bankers there, lawyers, would like to be a guardian.

MR. BROWN: Is he unrestricted?

MRS. KERRY: Not always. Cases differ. Now you take for instance— Well, I had better— Say in our case. That is a different case. My husband is unrestricted.

MR. BROWN: But he has got money?

MRS. KERRY: Yes.

MR. BROWN: And he has got a guardian?

MRS. KERRY: Yes. That is a good Indian, he doesn't drink, stays at home, attends to his business, in fact he never gets in debt we will say. He has got a lot of money and the money has been piling up. Now, the Government is taking care of that. Now, these men get their heads together.

MR. BROWN: Now, if he is unrestricted?

MRS. KERRY: That Act of March 3, 1891, and also that one of June 10th. Now these men want that Indian under a guardian. Under the Oklahoma law that Indian must have proven himself incompetent, that is, he must be a drunkard, must be mentally unfit in some way before they can get a guardianship over him. They will try to jolt him into it and try in every way they can to get him to consent but he will say, "no, I don't want it," but there is no other way. They are bound and

determined they are going to get that Indian. The first thing you know he begins acting funny. He does not seem himself. Where he was once kind he beats up on the children and his wife and acts sulky and lays in a kind of funny sleep all day and parades all night, and acts funny and is entirely unlike himself. This goes on for maybe a year, or until how quick they can be sure that all opposition is gone and the wife is turned against him. You can't do a thing with him; he is a fiend incarnate. Then they breach the subject of a guardian, and if there is a single one holding out against it that will cause any trouble they turn that Indian loose a little worse, if possible. By then everybody is about played out and can't do anything for him and they do what they please. They go to the court house and get out the writs and the guardian is appointed and then they march right up to that agency and get every dollar that that Indian has got. Up until Judge VanDewater's decision - up to the time he decided that these guardians should not be allowed to spend more than \$1000 a quarter and a guardian the same as the government was limited to \$1,000 a quarter, up to that the money was free and they would buy a cottage and pay \$1800 or \$2000 and then sell it to that Indian for \$7500. The guardian gets his on the side and Mr. Indian has got a thing that is not worth anything but about \$1800 or \$2000. Now remember it is absolutely to wreck these Indians morally and physically. Now, in that agency are men that work with that gang too.

MR. KNOWL: At, Pashruska?

MRS. DUNN: Oh, yes.

MR. BROWN: Tell me who they are; don't be afraid?

MRS. KENNY: Yes.

MR. BROWN: Who are they?

MRS. KENNY: I don't want to say who they are right now. I am not going to get hurt. I am trying to put Kenny where he will have some protection.

MR. BROWN: Let me tell you, what you say here don't go out.

MRS. KENNY: They find it out; it gets out. Let's cross that off. It is sufficient right now there are men working there.

MR. BROWN: Did--

MRS. KENNY: He is not the only one.

MR. BROWN: Are there others?

MRS. GRIMES: We have got to know if there is some one working down there. We can't fight the agency. We want to leave the agency alone if there is some one there who is not true to us.

MRS. KENNY: I told you about my husband's sister that was in that trouble and how J. J. Qualls and then were trying to clean up and secure a guardian for her and her husband. She got me to go up there and look up the matter. I stirred up a hornet's nest. I told you I made this fellow pay back that \$4,000. This is the way it is; there is a trick in it. This mixture of federal and state is a pretty bad thing for the Indian. You get in on one side and sometimes you lose out anyway. It is that way in every other case. This husband of my sister-in-law,

John Nacey, he died. He was an unrestricted Indian; he was free. His wife was a restricted Indian. That means she was under government supervision. This work that was done on her house amounted to something like \$3800, right at \$4000. The man that engineered the work, who was over this building, the record showed that he was paid for that in full through the agency and out of her funds, then when the husband died he goes into court and he collects the whole amount over again, \$4000.

MR. GRIMES: What was his name?

MRS. KENNY: J. J. Qualls, one of the most leading men there in the Otago. Of course the court records at that time showed that he had collected this money. I walked in there and right quick they returned her this \$4000. Her husband had been dead almost two years and they didn't allow her a penny out of the estate. There was no controversy over it or nothing. They just held it up and didn't let her have it.

MR. BROWN: I know that situation very well indeed. What I am trying to get at is your \$12,000 that they are holding up. Your husband is an unrestricted Indian; the government has got the money?

MRS. KENNY: Let me explain that. When an Indian is put under a guardian, whether he is restricted or not restricted every payment—understand, the guardian goes up there and he collects from the government all incoming money, security.

MR. BROWN: I understand.